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अण्डमान तथा निकोबार प्रशासन

ANDAMAN & NICOBAR ADMINISTRATION

[प्रकाशित किए गए दिन]

DEPARTMENT OF INFORMATION TECHNOLOGY

NOTIFICATION

Dated the 16th August, 2014

No.113/2014./F.No. 2-32/ITAct/2014.— In pursuance of the Notification, dated 25.10.2013 of the Ministry of Home Affairs, Government of India bearing F.No. U-11030/14/2012-UTL and in exercise of powers conferred under Section 90 read with Sections 6 and 6A of the Information Technology Act, 2000, the Lieutenant Governor (Administrator), Andaman and Nicobar Islands, hereby makes the following Rules, namely:

1. Short title and commencement :

- i. These rules may be called “**the Andaman and Nicobar Administration Information Technology (Electronic Service Delivery) Rules, 2014**”.
- ii. They shall come into force on the date of their publication in the Official Gazette.
- iii. These rules shall be applicable to the entire Union Territory of Andaman and Nicobar Islands.

2. Definitions :

- 1) In these rules, unless the context otherwise requires.—
 - a. “**Act**” means the Information Technology Act, 2000;
 - b. “**authorised agent**” means an agent of the Authorised Service Provider and includes an operator of an electronically enabled kiosk or from office who is permitted to deliver public services to the users with the help of a computer resource or any communication device, by following the procedure specified under these rules;
 - c. “**Authorised Service Provider**” means an agency including a body corporate or an Agency of the Government, authorised by the Director of Electronic Service Delivery, to establish and manage a system of delivering services electronically, in accordance with these rules;
 - d. “**body corporate**” means any company and includes a firm, sole proprietorship or other association of individuals engaged in commercial or professional activities;
 - e. “**certificate**” means a certificate required to be issued by an authority empowered under the respective Act, Rule, Regulation or Order of the Government to issue a certificate to confirm the status, right or responsibility of a person, either natural or artificial, in accordance with any such Act, Rule, Regulation or Order of the Government and includes a certificate in electronic form printed and delivered by Competent Authority or an Authorised Service Provider, with electronic signature on such stationery as may be determined by the Andaman and Nicobar Administration;

- f. "**Competent Authority**" means the Secretaries to the Government, the Head of every Department of the Government and the Head of Government Organisations and Government Bodies, as notified by the Government from time to time;
- g. "**Secretary, Department of Information Technology**" means the official of the A & N Administration designated as the Secretary, Department of Information Technology;
- h. "**e-service**" means a service as may be specified by notification and delivered electronically to the user;
- i. "**electronic service delivery**" means the delivery of public services in the form of receipt of forms and applications, delivery of any license, permit, certificate, sanction or approval and the receipt or payment of money by electronic means or any other such public service rendered by following the procedure specified under these rules;
- j. "**Government**" means the Andaman and Nicobar Administration;
- k. "**notification**" means a notification published in the Official Gazette;
- l. "**official Gazette**" means the official Gazette of the Andaman and Nicobar Administration;
- m. "**public service**" means service provided by the Government either through its Competent Authorities or any of its agencies either directly or through any Authorized Service Provider, which shall include, inter alia, the receipt of forms and applications, delivery of any license, permit, certificate, sanction or approval and the receipt of payment of money;
- n. "**service charge**" means the amount as may be specified by the Government to be payable to the Authorised Service Provider for electronic delivery of services rendered and does not include any duly authorized taxes, charges, dues or any other moneys due in respect of a service payable by any person to the Competent Authority concerned that are otherwise payable under the respective Act, Rule, Regulation or Order of the Government when making an application to the concerned Competent Authority;
- o. "**signing authority**" means an authority empowered under the respective Act, Rules, Regulations or Order of the Government to issue any license, permit certificate, sanction or approval;
- p. "**specified**" means specified by notification in the official Gazette by the Government;
- q. "**State Electronic Records Repository**" means an electronic repository of all electronically signed records with digital signature or electronic signature, maintained by Competent Authorities, for the purpose of accessing such records and delivering them to the citizens.

2) Words and expressions used and not defined in these rules but defined in the Act shall have the same meanings assigned to them in the Act.

3. System of Electronic Service Delivery :

1) For the purpose of efficient delivery, the Government may authorise an Authorised Service Provider to deliver public services through electronically enabled kiosks or any other mechanism for electronic service delivery.

Explanation:- It is hereby clarified that the present rules provide for the Andaman and Nicobar Administration of e-service delivery through Authorised Service Providers and authorised agents whereas other mechanisms of e-service delivery such as State Online Portal, Government departmental outlets and online services provided to the users directly on the web shall be administered in the normal manner by the respective Government departments and agencies.

2) The form of application and the format of certificate issued under these rules in relation to any e-service shall be such as may be specified by the Government.

4. Duty of the Competent Authority to notify the list of public services to be delivered through electronic mode :

1) Every Competent Authority shall notify within a period of thirty days from the coming into force of these rules,-

(a) the public services of the department, agency or body which can be delivered through electronic mode;

- (b) the date by which each such service shall be made available through electronic mode;
 - (c) lay down norms for efficiency, quality and accuracy in the form of service levels; and
 - (d) the designated officers for delivery of each such service through electronic mode.
- 2) The Competent Authority shall thereafter, review and update these publications every year or as frequently as required.

5. Notification of signing authorities :

- 1) The Competent Authorities shall notify the list of signing authorities in respect of different public services and local limits of their respective jurisdictions in the UT of A & N Islands duly specifying the nature of such service, the names of the signing authorities, the duration of the authority and the extent of jurisdiction of each such authority.
- 2) The Competent Authorities shall inform the Secretary (IT), A & N Administration immediately with respect to retirements, transfers, suspensions or terminations from services of employees holding positions of signing authorities.
- 3) The signing authorities shall also inform their Competent Authorities immediately with respect to their retirements, transfers, suspensions and terminations and Competent Authorities shall get the changes mentioned in clause (2) implemented in their respective application software.

6. Functions and Powers of Secretary, Department of Information Technology :

- 1) The Secretary, Department of Information Technology shall discharge the following functions and powers, namely:-
 - a. to authorise, suspend or terminate the services of the Authorized Service Providers;
 - b. to determine norms relating to the selection of authorised agents by the Authorised Service Providers and authorised agents;
 - c. to determine functions, responsibilities and liabilities of Authorised Service Providers and authorised agents;
 - d. to determine norms on the service levels to be complied with by the Authorised Service Providers and authorised agents;
 - e. to determine service charges to be charged by the Authorised Service Providers and authorised agents for providing e-services;
 - f. to determine terms and conditions relating to the authorisation, suspension or termination of the services of the Authorised Service Providers and authorised agents; and
 - g. to make alternative arrangements for delivery of e-services, in case of such suspension or termination of services of Authorised Service Providers and authorised agents.
- 2) The Secretary, Department of Information Technology may delegate any of his power to any official of Andaman and Nicobar Administration or Autonomous Body/Local Body of Andaman and Nicobar Administration through an administrative order.

7. Authorised Service Providers for Electronic Service Delivery :

The Authorised Service Provider shall provide the notified public services electronically to the users in conformity with these rules, by establishing appropriate delivery infrastructure and a network or authorised agents, as determined by the Secretary (IT), Andaman and Nicobar Administration.

8. Appointment of authorised agents by the Authorised Service Provider :

- 1) The Authorised Service Provider may appoint such number of Authorised Agents, as may be required to deliver the services electronically to fulfil the norms of efficiency, quality and accuracy laid down by the Competent Authority.
- 2) The Authorised Service Provider shall ensure that he as well as all the authorised agents obtain Digital Signature Certificates before they commence operations for delivery of public service electronically.
- 3) The Authorised Service Provider may also impart appropriate training to the authorised agent to impart them the skills required to deliver the electronic services efficiently and in an error-free manner.

9. Commencement of operations by Authorised Service Provider :

The Authorised Service Provider shall commence its commercial operation for Electronic Service Delivery only after –

- a) he has confirmed in writing or through e-mail duly signed by digital signature to the Secretary (IT), Andaman and Nicobar Administration with respect to the adoption of procedures and standards specified under these rules; and
- b) he has installed facilities and infrastructure needed for efficient delivery of electronic services and in an error-free manner in terms of norms laid down by the Secretary (IT), Andaman and Nicobar Administration and confirm the same in writing or through email duly signed by digital signature to the Secretary (IT), Andaman and Nicobar Administration.

10. Authorised Service Provider to collect service charge :

- 1) The application for an e-service submitted by a user to an Authorised Service Provider or an authorised agent shall be accompanied by such service charge as may be determined by the Secretary (IT), Andaman and Nicobar Administration which is payable in cash to the Authorised Service Provider, at the time of making the application.
- 2) The Secretary (IT), Andaman and Nicobar Administration may determine service charges by notification for e-services.
- 3) The service charges may be different for different e-services such as,—
 - (a) the status enquiry;
 - (b) print-outs related to e-services;
 - (c) the scanning of documents related to e-services;
 - (d) the acknowledgement receipt; and
 - (e) any other e-service.

- 4) The service charge shall not include any duly authorized taxes, charges, dues or any other moneys due in respect of a service payable by any person to the Competent Authority concerned that are otherwise payable under the respective Act, Rule, Regulation or Order of the Government when making an application to the concerned Competent Authority.

11. Fee to be collected by service provider :

- 1) Any fee or duly authorized taxes, charges, dues or any other money due in respect of a service payable by any person to the Competent Authority concerned that are otherwise payable under the respective Act, Rule, Regulation or Order of the Government when making an application to the concerned Competent Authority, shall also be collected by the Authorised Service Provider or the authorized agent as the case may be, except for those payments that are ordinarily required to be made in the form of court fee stamps or treasury challans.
- 2) The fee collected by the Authorised Service Provider or the authorised agent shall be remitted with the Government treasury as may be determined by the Secretary (IT), Andaman and Nicobar Administration by the Authorised Service Provider or the authorised agent as the case may be, in its entirety.

12. Remittance or service charge and fee by the service provider :

- 1) Out of the service charge collected by the Authorised Service Provider or the authorised agent for an e-service, a percentage of the service charge as may be determined from time to time by the Secretary (IT), Andaman and Nicobar Administration may be apportioned to the Government.
- 2) The share of the Government out of the service charge so collected shall be remitted by the Authorised Service Provider or the authorised agent to Government treasury as may be determined by the Secretary (IT), Andaman and Nicobar Administration.

13. Presumption with regard to service charge paid to service provider and other conditions of obtaining e-services :

- 1) Where any person pays a service charge to an Authorised Service Provider or an authorised agent in respect of any notified e-service, the print-out or the electronic prompt acknowledging the payment in the relevant form and manner as may be determined by the Secretary (IT), Andaman and Nicobar Administration and provided to such person by the Authorised Service Provider or authorised agent shall normally be taken as proof of such payment and it shall be presumed that in normal circumstances the dues or claims, for which the acknowledgement is purportedly issued, have been satisfied to that extent.

- 2) The payment of service charges to the Authorised Service Provider or the authorised agent shall by no means create any right or title, temporary or permanent in nature in favour of a person concerned regarding obtaining the notified e-services.
- 3) Mere payment does not necessarily ensure the delivery of services, if all conditions associated with delivery of the service are not met fully at the time of making payment to the Authorised Service Provider or the authorised agent.

14. Receipt or payment of money by or in favour of Government adopting the system of Electronic Service Delivery :

The receipt or payment of money by or in favour of Government adopting the system of Electronic Service Delivery shall be deemed to be a receipt or payment effected in compliance with the Financial Code and Treasury Code of the Government.

15. Filing of form, application or any other document :

- 1) Any form, application or any other document referred to in clause (a) of sub-section (1) of section 6 of the Act may be filed with any office, authority, body, agency or Authorised Service Provider authorised by the Andaman and Nicobar Administration using the application software specified by it.
- 2) The office, authority, agency or Authorised Service Provider referred to in sub-clause (1) shall, while developing such software, take into account the following features of the electronic record, namely:-
 - a) life time;
 - b) preservability;
 - c) accessibility;
 - d) readability;
 - e) comprehensibility in respect of linked information;
 - f) evidentiary value in terms of authenticity and integrity;
 - g) controlled destructibility; and
 - h) augmentability.

16. Issue or grant of any license, permit, sanction or approval :

- 1) Any license, permit, sanction or approval referred to in clause (b) of sub-section (1) of section 6 of the Act may be issued or granted by using the application software specified under rule 15.
- 2) The license, permit, certificate, sanction or approval so issued shall be in the form prescribed in the respective Act, Rule, Regulation or Order and shall contain the name and designation of the signing authority who had digitally signed and approved the electronic record alongwith the date and time of creation of such record.

17. Creation or repository of digitally signed electronic records :

- 1) The Competent Authority may, as soon as, after the coming into effect of these rules create, establish and maintain a repository and database of digitally signed electronic records together with the associated application software and workflow to enable Authorised Service Provider or the authorised agents to access such licenses, permits, certificates, sanctions or approvals, as the case may be, and deliver them to the user.
- 2) The relevant security procedures, as specified by the Government, shall be followed by such Competent Authorities, in respect of the electronic data, information, applications, repository of digitally signed electronic records and information technology assets under their respective control.

18. Procedure for making changes in a repository of digitally signed electronic records :

- 1) Any Competent Authority or any signing authority, either *suo-motu*, or on an application by an interested party, may make or order to make an appropriate change in a repository of digitally signed electronic records, after following the procedure prescribed in the respective Act, Rule, Regulation or Order.
- 2) Any such authority shall have privileges for making or ordering changes only in respect of the electronic records pertaining to its own jurisdiction.
- 3) Any change effected to any record in a repository of digitally signed electronic records, and any addition or deletion of a record from such repository of electronic records shall invariably be digitally signed by the respective authority and an electronic audit trail of all such changes shall be maintained.

19. Creation of secure application software for Electronic Service Delivery :

- 1) The Competent Authority shall get appropriate application software created, using which, the Signing Authorities, shall digitally sign the license, permit, certificate, sanction or approvals and get the same audited by a third party agency, so as to ensure its security, reliability, performance and consistency, before it is deployed.
- 2) Every such application software shall, *inter alia*, possess the capability to assign a unique identification to each license, permit, certificate, sanction or approval.
- 3) Every Authorised Service Provider shall create its own application software in consultation with the respective Competent Authorities, which shall enable such Authorised Service Providers to deliver electronic services in accordance with these rules.
- 4) Every such application software created either by the Competent Authority or the Authorised Service Provider shall, *inter alia*, possess the following features and capabilities, namely:-
 - a. secure Login of Authorised Agents, as are required to access the application system, through use of Digital Signature Certificates;
 - b. secure access of Authorised Agents, to the repositories of digitally signed electronic records maintained by the Competent Authorities, for printing and delivery of the digitally signed license, permit, certificate, sanction or approvals; and
 - c. assign a unique identification to the voucher or receipt issued by any authorised agent while providing electronic services to the citizens.
- 5) The Secretary (IT), Andaman and Nicobar Administration shall get such application software audited by a third party agency, as to ensure its security, reliability, performance and consistency, before it is deployed by the Authorised Service Provider and also as and when changes are made in the application software.

20. Delivery of e-Services by the Authorised Service Provider or Authorised Agent :

- 1) On a request made by a user for provision of a service, relating to the issue of any license, permit, certificate, sanction or approval and to the receipt or payment of money, the Authorised Service Provider or the authorised agent shall access the respective departmental repository of digitally signed electronic records through their secured application specified in rule 19, in respect of any license, permit, certificate or approval or the database in respect of any payment or receipt.
- 2) The Authorised Service Provider or the authorised agent shall be permitted to have such access only with the use of its digital signature certificate.
- 3) The Authorised Service Provider or the authorised agent shall accept the specified fees, tax, duty or payment alongwith the service charge download the related license, permit, certificate, sanction or approval or the database record relating to any payment or receipt, print the license, permit, certificate, sanction or approval from the repository of digitally signed electronic records, or the payment voucher or receipt from the relevant database, and print the document using the secure application software and the secure stationery.

21. Verification of Digitally Signed documents :

- 1) The Competent Authorities shall cause to be created a system (portal/website) of online verification of any license, permit, certificate, sanction, approval or receipt delivered by any Authorised Service Provider or the authorised agent or the State Electronic Records Repository.
- 2) Any person or authority, desirous or verifying the authenticity of any document or certificate issued under these rules, may access such portal or the website using the unique identification printed on the document sought to be verified.

22. Audit of the Information Systems and Accounts of Authorised Service Provider and Authorised Agents :

- 1) The Secretary (IT), Andaman and Nicobar Administration shall cause an audit to be conducted of the records and accounts of the Authorised Service Providers and their authorised agents in the State at such intervals as deemed necessary by an agency empanelled as an information security auditing organization.
- 2) The audit referred to in sub-rule (1) may cover aspects such as security, confidentiality and privacy of information, the functionality and performance of any application software used in the electronic delivery of services and the accuracy of accounts kept by the Authorised Service Providers and their authorised agents.

- 3) It shall be incumbent on the Authorised Service Provider and their authorised agents to provide such information and assistance to the audit agencies appointed by the Secretary (IT), Andaman and Nicobar Administration to comply with the directions given by the audit agencies and to rectify the defects and deficiencies pointed out by the audit agencies.

23. Use of special stationery in Electronic Service Delivery :

- 1) The special stationery used by the Authorised Service Providers and its agents for delivery of the services shall be determined by the Director of Electronic Service Delivery with accompanying security features for forms, applications, license, permits, certificates, receipts of payment and such other documents as part of the Electronic Service Delivery.

- 2) The certificates, licenses and permits shall carry a declaration in the format as may be determined by the Secretary (IT), Andaman and Nicobar Administration.

24. If any notification/order is issued with the concurrence of Chief Secretary, Andaman and Nicobar Administration as Competent Authority under these rules, then, the said notification/order will prevail and any other notification/order of any Competent Authority shall be void to the extent of repugnancy vis-à-vis the notification/order issued with the concurrence of the Chief Secretary, Andaman and Nicobar Administration.

25. Appeal: An appeal against the order of any authority/official mentioned in the rules may be preferred before the next higher authority of Andaman and Nicobar Administration within thirty days of the issuance of order.

Sd./-

Lt. General A. K. Singh, PVSM, AVSM, SM, VSM (Retd.)
Lieutenant Governor,
Andaman and Nicobar Islands.

By order and in the name of the Lt. Governor,
Andaman and Nicobar Islands.

Sd./-

(Dr. Utpal Sharma)
Special Secretary (IT)